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Committee on the Elimination of Discrimination against Women
Seventieth session

Summary record of the 1603rd meeting
Held at the Palais des Nations, Geneva, on Tuesday, 3 July 2018, at 3 p.m.

Chair: Ms. Leinarte

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Australia (*continued*) (CEDAW/C/AUS/8; CEDAW/C/AUS/Q/8; and CEDAW/C/AUS/Q/8/Add.1)

1. *At the invitation of the Chair, the delegation of Australia took places at the Committee table.*

Articles 7 to 9

2. **Ms. Hayashi**, noting that the proportions of women members of the House of Representatives and the Senate were relatively low for a highly developed country such as Australia, said that she wished to know whether the Government would consider introducing a quota to ensure that at least 40 per cent of public offices were held by women. In view of the fact that the two largest political parties had committed themselves to ensuring that 50 per cent of their parliamentary representatives would be women by 2025, she asked whether the Government would consider urging the parties to set a more ambitious target. It would be interesting to learn whether sanctions would be used to tackle gender inequality among political representatives at the federal, state and municipal levels. The Committee wished to know whether any targeted support had been provided to ensure that women with disabilities and lesbian, bisexual, transgender or intersex women were represented in public life. Noting that problems such as harassment, sexism and intimidation discouraged women from entering politics, she asked what measures were being taken to make that sphere more attractive to women. Lastly, she asked whether ongoing and sufficient funding would be provided to the National Congress of Australia's First Peoples.

3. **Ms. Nadaraia** said that, according to alternative sources, the births of nearly one in five indigenous children under 16 years of age in Western Australia were unregistered while the births of 70 per cent of indigenous children aged between 2 and 4 years in Queensland were unregistered. Some children whose births had been registered did not have birth certificates as their parents or guardians were unable to complete the necessary paperwork or pay the requisite fee. Parents who did not register their children's births within 60 days were required to pay a fine of 1,000 Australian dollars ($A). In view of that situation, she asked whether support would be provided to enable states and territories to launch registration campaigns, increase the issuance of birth certificates and waive the fees associated with such certificates for persons on low incomes. Lastly, she asked what strategies and programmes had been implemented to reduce all barriers to birth registration.

4. **Ms. Kidd** (Australia) said that targets, rather than quotas, were currently being used to address the issue of the underrepresentation of women in Parliament. Targets had proved to be effective and were more widely accepted than quotas. Women role models, including the current Foreign Minister and the Minister for Defence, served to demonstrate to young girls that women could enjoy a political career at the highest level. A childcare centre had been established at Parliament House in Canberra. Women Members of Parliament who wished to breastfeed their children were able to do so in parliamentary chambers and there had been instances of that occurring.

5. **Ms. Bergin** (Australia) said that the current Minister for Women was one of the first women to have given birth while holding a ministerial position. The Minister had launched a fund to support women members of her party who aimed to stand for election.

6. **Ms. Lannen** (Australia) said that, as at April 2018, the National Congress of Australia's First Peoples had almost 9,000 individual members and 180 member organizations. The Government was working with the Congress in areas related to the "Closing the Gap Refresh" initiative and was carrying out follow-up work on behalf of the Redfern Statement Alliance. Some $A 3 million had been allocated to support the work of the Congress over a period of three years.

7. **Mr. McGlynn** (Australia) said that birth registration was free of charge in Australia and registration rates were high overall. Although the proportion of children whose births were not registered was unknown, figures indicated that Aboriginal Australians and Torres Strait Islanders took significantly longer than other citizens to register the births of their children. In order to reduce barriers to birth registration, steps had been taken to promote cooperation with health authorities, issue notification forms, follow up with parents when registration did not occur, establish outreach programmes aimed at remote communities, implement mobile registration services and distribute awareness-raising materials. In line with the non-discriminatory approach to the issuance of birth certificates, parents on low incomes in a number of states and territories could apply to have the fee waived.

8. **Ms. Schulz** said that she wished to know to what extent women had been or were involved in the development of the second Australian national action plan on women, peace and security; whether and how women would be associated with the implementation, monitoring and evaluation of the Plan, including in respect of the links between the national and international levels of the women and peace and security agenda; whether women were consulted on the funding available for its implementation at the national and international levels; and whether they were consulted on the Government's new defence strategy, which aimed to make Australia the world's tenth largest exporter of arms.

9. Noting that an Australian senator had recently been the target of slurs relating to her sexuality, and that women parliamentarians were sometimes demeaned by references to their appearance or sexuality, she asked what steps were being taken to ensure that women could work in politics without having to endure discriminatory comments and attitudes.

10. **Ms. Bergin** (Australia) said that the second Australian national action plan on women, peace and security would be launched in July 2019. The process of drafting the plan, which was being developed in collaboration with the Department of Defence and the Department of Foreign Affairs and Trade, involved wide-ranging consultation and engagement with civil society. In that regard, round-table discussions had been held with women from all sectors of society, including those who had experienced conflict situations and representatives of different cultural and linguistic groups. The new plan would have a strong focus on monitoring and evaluation and would take into account the disproportionate impact of conflict on women and the ways in which they could play an active role in conflict resolution and prevention. The Government had clearly stated that it was committed to funding the new plan. The Prime Minister had stated that he would consider the possibility of implementing a ministerial code of conduct to ensure that women did not suffer abuse or discrimination in Parliament.

11. **Ms. Stratford** (Australia) said that, as Parliament was a workplace like any other, it was not surprising that there were unacceptable levels of sexual harassment there. The inquiry into sexual harassment in the workplace that was being conducted by the Australian Human Rights Commission would provide the Government with important insights into the steps that needed to be taken to tackle the issue in Parliament and all other workplaces.

Articles 10 to 14

12. **Ms. Gbedemah**, noting that different states and territories had initiated innovative measures to increase rates of school enrolment among girls from disadvantaged groups, said that she wished to know whether representatives of such groups were systematically included in the development, implementation and evaluation of the measures. She asked how the "Connected Beginnings" programme to eliminate disparities in access to education would be funded if the recommendations arising from the evaluation of that programme indicated that it should be extended to cover all indigenous communities. Noting that, under the new childcare subsidy scheme launched by the Government, mothers would lose the right to subsidies unless they were engaged in professional activity, she asked whether the scheme would undermine access to early childhood education and whether the Government would regularly review the new initiatives and adapt them in accordance with its findings. In view of the fact that data on indigenous peoples and persons with disabilities were sometimes missing from the annexes to the report, she urged the State party to improve its data-collection processes in line with the recommendation made by the Committee in the concluding observations issued to the State party in 2006 (CEDAW/C/AUL/CO/5, para. 5).

13. She wondered whether the Government would increase the number of staff delivering education services to indigenous communities in order to promote their sense of empowerment. The Committee would be interested to learn whether the science, technology, engineering and mathematics (STEM) academy for girls had actually been established and whether specific measures had been implemented to increase the participation of indigenous girls and women in those fields of study.

14. Noting that indigenous children were often subjected to discriminatory stereotyping, she asked whether school textbooks had been audited to ensure that they accurately reflected the culture and way of life of the Aboriginal peoples before colonization took place and whether teaching in schools took into account their cultural aspirations and right to land. She wished to know how gender stereotypes were addressed in the school curriculum and what subjects were studied by girls undertaking technical and vocational training. In view of the fact that budget cuts had been imposed on vocational education and training, she asked what plans were in place to redevelop that sector, particularly with regard to training aimed at women in shelters, asylum seekers, refugees, financially abused women and indigenous women.

15. She wondered whether the Safe Schools Coalition Australia would be reinstated in order to ensure that schools were safe and inclusive places for lesbian, bisexual, transgender and intersex students. The Committee would welcome further information on the effect of poor housing conditions on indigenous peoples and the way in which such conditions restricted their access to education. What steps were being taken to ensure that persons with disabilities had access to the education system? Noting that the Australian Human Rights Commission had conducted research into the issues of pornography and sexual harassment in the education system, she would appreciate information on the outcome of that research and asked whether guidelines on the reporting of sexual harassment in schools had been fully implemented. The Committee would also be interested to learn what steps were being taken to ensure that pregnant girls were not expelled from school. In the light of the fact that the Government had lowered the income threshold above which graduates were required to repay student loans, she asked whether a gender-analysis study of the impact of the lowered threshold had been carried out and what measures would be taken to mitigate the effects of the new threshold and ensure that it did not adversely affect the access to education of older women and women on low incomes.

16. **Mr. Bergby**, noting that the gender pay gap had stood at over 15 per cent for the previous two decades, said that he wished to know what measures were being taken to enforce the principle of equal pay for work of equal value and whether concrete measures would be adopted to narrow or eliminate the gender pay gap. He asked why the gender pay gap was worse in Western Australia than in South Australia and why it was particularly acute in the financial and insurance industries. In view of the fact that occupational segregation on gender lines accounted for 30 per cent of the current gender pay gap, he said that the Committee would welcome further information on the outcome of measures taken to ensure equal access for women to all areas of the labour market.

17. The Committee would welcome further information on the outcomes of the 2013 amendment to the Fair Work Act, which had been intended to ensure that flexible working arrangements were made more widely available. Noting that there was no mechanism to ensure that the amendment in question was enforced, he asked when the Government would establish an enforceable right to request flexible working arrangements and whether employees would be able to file appeals against denials of such requests.

18. He wondered whether steps would be taken to increase paid parental leave to 26 weeks and to ensure that the supporting parent could take at least 4 weeks of paid leave, in accordance with the recommendation made by the Australian Human Rights Commission. Paid parental leave was equal to the national minimum wage regardless of income, which was clearly not enough to care for a child. He therefore wished to know whether the Government envisaged requiring an increase in the level of paid leave to match an employee's current income and providing superannuation entitlements as part of such leave.

19. Noting that participation in the labour market was much lower among women belonging to disadvantaged groups than their male counterparts and persons outside those groups, he asked whether there was a time frame for the implementation of the recommendations contained in the national inquiry into employment discrimination against older Australians and Australians with disabilities ("Willing to Work" report) of the Australian Human Rights Commission. He suggested that the Government should considering adopting a comprehensive national employment framework that included targets, performance indicators and time frames for increasing the participation of women belonging to vulnerable groups in the workforce.

20. He asked whether the Sex Discrimination Act would be amended to include a general prohibition of sexual harassment in all areas of public life, whether employers would be required to take all reasonable steps to prevent sexual harassment in the workplace and whether steps would be taken to ensure that victims of sexual harassment would have effective access to redress. Given that many women were not eligible to receive superannuation entitlements because their income was too low to qualify for them, he asked whether the Government would consider taking steps to ensure that all workers, irrespective of their income, were covered under superannuation schemes.

21. **Ms. Narain**, noting that health care in Australia was provided through both the public and private sectors, said that she would welcome further information on the services available through each sector and the difference in the quality of care provided by public and private health-care providers, including differences in waiting times. In view of the fact that the Australian National Breastfeeding Strategy 2010–2015 had ended in 2015, she would be grateful for further information on the outcomes of the Strategy and whether plans were in place to establish a new similar strategy throughout the country. The Committee would welcome further information on any findings relating to the stigma surrounding breastfeeding and any measures taken to ensure that breastfeeding was accepted by the public. Noting that screening for breast and bowel cancer was free of charge, she wondered why the same did not apply to screening for cervical cancer and whether such screening was available to women with high-risk factors who were outside the target age group of 50 to 74 years.

22. Although the Committee was aware that the legality of abortion was determined at the state and territorial level, it wished to remind the State party that the Government was responsible for complying with international conventions that Australia had ratified, including the Convention on the Elimination of All Forms of Discrimination against Women. In the report arising from its inquiry into the non-availability of abortion services in Northern Ireland (CEDAW/C/OP.8/GBR/1), the Committee had concluded that the unequal access of women to abortion services could not be justified by the fact that the issue of abortion had been devolved to the administrations of Scotland, Wales and Northern Ireland. In view of that situation, the Committee wished to know whether the governments of the Australian states in which abortion was illegal planned to undertake a review of the relevant provisions of their criminal law and what steps would be taken to establish safe access zones around abortion clinics and ensure that abortion was not only fully decriminalized but also available and affordable throughout the country.

23. The Committee would welcome further information on mental health problems among women and any studies analysing the reasons behind the higher rates of mental health problems among women. She asked what steps were being taken to break down the stigma associated with mental health issues, to create an environment in which women of all kinds felt accepted and to put an end to the sense of marginalization that often gave rise to mental health problems among women and young people. She asked whether the Government would ensure that there was sufficient funding for mental health services and that persons with disabilities had equal access to health-care services. It would be interesting to learn what measures would be taken to reduce discrimination against lesbian, bisexual, transgender, intersex and queer women and to tackle the mental health problems that they suffered as a result. What specialized services were available to assist vulnerable women who were struggling with mental health problems?

24. Noting that indigenous women had a lower average life expectancy than non-indigenous women, she asked what measures were being taken to close such gaps and to

address differences in socioeconomic status and other factors that contributed to them. What measures would be taken to reduce the high maternal mortality rate among indigenous women?

25. Lastly, she asked whether the health-care services available to asylum seekers in Nauru were provided on a temporary or permanent basis, how such services were funded, whether the funding was sustainable and how the Government ensured that asylum seekers had access to abortion services. In view of the fact that the Government of Australia had a legal duty of care for women and girl asylum seekers in Nauru, she asked why vulnerable women and girls were transferred from Nauru to Papua New Guinea and Taiwan for medical treatment and not to Australia. Was the health care provided in Papua New Guinea and Taiwan of the same standard as that received by refugees or asylum seekers in Australia?

26. **Ms. Lannen** (Australia) said that approximately $A 10 million had made available every year since July 2016 to support early childhood, maternal and child health and family support services for Aboriginal and Torres Strait Islander children as part of the "Connected Beginnings" programme. A number of indices were used to determine the most disadvantaged areas to which the funds would be allocated. The programme was currently being run at nine locations and the Department of Education and Training, the Department of Social Services and the Department of the Prime Minister and Cabinet were working to extend the programme to other areas across the country. An impact assessment was currently under way, the results and recommendations of which were expected by the end of the 2018/19 financial year.

27. **Ms. Kidd** (Australia) said that funding for education was allocated with a view to achieving equality and overcoming disadvantage. Where particular needs were identified, such as in schools with indigenous students or children with disabilities, funding was adjusted and additional programmes were implemented. Turning to gender stereotypes in schools, she said that a range of programmes was in place to encourage girls to pursue STEM careers. The programmes included mentoring, where people in jobs not normally associated with their gender were presented as role models, scholarships and internships and programmes that targeted students from indigenous and rural communities. The STEM academy for girls that had been announced was not yet up and running. State and territorial governments provided support to pregnant adolescents and childcare or alternative learning arrangements were available to encourage them to remain in school.

28. **Ms. Stratford** (Australia) said that the Government supported anti-bullying initiatives, including the "Bullying. No way!" website and the National Day of Action against Bullying and Violence, and provided general assistance to students, parents and educators in that regard. The Safe Schools Coalition Australia now fell under the responsibility of individual schools and the states and territories. Although there were regional disparities in terms of the level of implementation, the initiative had been widely taken up across the country. In Victoria, for example, the state government had issued clear guidelines on ensuring the safety of lesbian, gay, bisexual, transgender and intersex students.

29. **Ms. Bergin** (Australia) said that, while the gender pay gap remained stubbornly wide, the Government was making efforts to tackle the problem, which included focusing on the education of women and girls and also ensuring employees' access to flexible working arrangements.

30. **Ms. Kidd** (Australia) said that occupational segregation was a major factor in the gender pay gap, since men held more positions in prestigious and highly paid industries than women. The Government had a solid accountability framework and strategy with which to meet its commitment to reduce the pay gap by 25 per cent before 2025. Disparities in pay were a reflection of the occupational mix in various parts of the country. For example, a key industry in Western Australia was mining, which was dominated by men in well-paid positions.

31. The Fair Work Act 2009 set out a number of specific circumstances in which employers were required to offer flexible working arrangements. Many employees entered into agreements with their employers on an informal basis.

32. **Ms. Stratford** (Australia) said that employees with 12 months' continuous service with their employer were entitled to 12 months of unpaid parental leave after the birth or adoption of their child. After that period, employees were guaranteed the right to return to their former position. Leave could be shared between parents or carers. The Government had no plans to change the current paid parental leave or "Dad and Partner Pay" schemes.

33. **Ms. Bergin** (Australia) said that the private health system complemented the public system. Those with private health insurance had access to their own private doctor in hospital rather than having a doctor assigned to them. However, because the same doctors treated both public and private patients, the level of the care was similar for all patients. Long waiting times for treatment remained a problem owing to increasing demand and budget limitations.

34. **Ms. Stratford** (Australia) said that the fifth National Mental Health and Suicide Prevention Plan recognized the unique needs of lesbian, gay, bisexual, transgender and intersex persons. Furthermore, the Department of Health funded a range of programmes that specifically targeted such persons and contributed financially to the National LGBTI Health Alliance, which provided telephone and online support services.

35. **Ms. Bergin** (Australia) said that her Government recognized that the country fell significantly short of the World Health Organization (WHO) target in terms of breastfeeding. Only 15 per cent of mothers exclusively breastfed their children in the first five months after birth, compared to the target of 50 per cent in the first six months set by WHO. Maternity nurses in hospitals and nurses providing postnatal care encouraged mothers to breastfeed.

36. **Ms. Lannen** (Australia) said that the progress made in meeting the "Closing the Gap" health targets included improvements in the early detection and management of chronic disease and a reduction of blindness and visual impairment among Aboriginal and Torres Islander communities. The implementation plans for the National Aboriginal and Torres Strait Islander Health Plan 2013–2023 presented an opportunity to work with communities and state and territory governments to address the health issues affecting the mortality rate. Mechanisms would be put in place at the local level, which had proved more effective in the past than national responses.

37. **Ms. Stratford** (Australia) said that the national disability insurance scheme provided services tailored to the needs of persons with profound disabilities. Access to mental health services was granted as part of the scheme where it was deemed appropriate for the persons concerned. However, decisions concerning the funding and management of broader community mental health services were a matter for the state and territorial authorities.

38. **Mr. McGlynn** (Australia) said that the Australian Government supported the Government of Nauru in providing health-care services to refugees, asylum seekers and other migrants. The services included primary care clinics staffed by nurses, doctors, psychologists and counsellors and emergency and psychiatric care. Those services were administered to patients free of charge.

39. **Ms. Haidar** said that Australia, despite having one of the lowest tax rates among the Organization for Economic Cooperation and Development (OECD) member countries, had cut spending on social protection and services by billions of dollars. The cuts had adversely affected almost 3 million people who lived in poverty, a significant number of whom were women. For example, a reduction in benefits applied to single mothers of children under the age of 16 had been extended to mothers of children under 8, and single mothers required confirmation from a third party that they were not in a relationship to be eligible for single parent benefits. She wondered how the Government reconciled those cuts in expenditure with its commitment under the Sustainable Development Goals not to leave anyone behind. She also wished to know whether the Government intended to analyse the gender impact of the aforementioned policies and whether the State party would be willing to reinstate priority access to care centres for children at risk. She was concerned over reports that 190,000 households were on the waiting list for social housing, which posed a problem for women trying to leave violent partners and low-income parents, that the number of homeless women aged over 55 was increasing and that more than one in five families with

children faced food insecurity. She invited the delegation to comment on the measures adopted to address those concerns.

40. **Ms. Acosta Vargas** said that social policy and investment to assist indigenous women had fallen short of expectations, as the report of the Special Rapporteur on the rights of indigenous peoples on her visit to Australia (A/HRC/36/46/Add.2) had noted. In addition to the problems that those women faced in terms of food and housing insecurity, their children were more likely to be taken into care by the child protection system, partly owing to the absence of effective and sustainable public policies to improve living conditions for those women. She would appreciate information on the urgent measures that might be taken to lower the proportion of children of indigenous mothers who were taken into State institutions or private care.

41. It would be useful to know what measures were in place to guarantee the rights of indigenous women to access land and what legal mechanisms existed to process their land claims. She would be interested to hear what action had been taken to guarantee the right to access water, especially in the light of complaints concerning polluted rivers, and whether the knowledge of indigenous women regarding water and water management was explicitly recognized.

42. Concerning the outcome of the Government's extensive efforts to eliminate domestic and sexual violence against indigenous women, she wished to know what the most effective aspects of the third action plan had been in terms of addressing the historical causes of those types of violence. Did indigenous women have access to effective prevention, protection and precautionary measures when they feel threatened in their homes? She would be glad to hear whether women professionals from indigenous communities were recruited to agencies responsible for protecting women against domestic and sexual violence and whether assistance was given in indigenous languages to guarantee access to justice. Indigenous women continued to face systematic socioeconomic discrimination in spite of the myriad of programmes in place, and she wondered what obstacles prevented the "Closing the Gap" programme from achieving its objectives.

43. According to her information, indigenous women accounted for approximately 30 per cent of the prison population, compared to 3 per cent of the population as a whole. It would be useful to know what the main reasons for that imbalance were and what the outcome of the National Indigenous Law and Justice Framework 2009–2015 had been. She would be interested to know what measures had been adopted to punish acts of sexual violence committed by guards in places of detention and whether the State party applied the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders.

44. **Ms. Bergin** (Australia) said that the country had faced significant budget constraints since the 2008 financial crisis. One of the objectives of the current Government was to reduce the budget deficit incurred over the previous 10 years and to return to a surplus by 2021. To that end, all areas of government expenditure had been reviewed and the eligibility criteria for benefits had been tightened as a result.

45. **Ms. Stratford** (Australia) said that a series of measures had been adopted to mitigate the impact of the considerable cuts made to community grants in 2015 and to fill gaps in funding. New grants had been introduced to address specific areas of need within communities. Regular assessments were conducted to determine where the need for investment was greatest.

46. Responsibility for housing was shared between the Commonwealth Federal Government and the different state and territorial governments. The Commonwealth Federal Government provided more than $A 6 billion annually in housing and homelessness assistance through a number of national partnerships and programmes, such as the National Affordable Housing Agreement and the Transitional National Partnership Agreement on Homelessness. State and territorial governments had likewise launched a number of programmes to promote access to housing and to address homelessness, including 10-year housing plans, social housing initiatives, rental assistance schemes and shared equity schemes for low and medium wage earners.

47. **Ms. Bergin** (Australia) said that the issue of increased homelessness among older persons was addressed in the Transitional National Partnership Agreement on Homelessness. A working group had also been set up to examine the issue.

48. **Ms. Lannen** (Australia) said that the Government of the Commonwealth of Australia and the state and territorial governments had adopted a series of measures to guarantee food security in remote rural areas. The majority of communities living in such areas had access to a community store.

49. The Government and the state and territorial governments were responsible for setting national water policy and guaranteeing the water supply, respectively, and provided communities living in remote rural areas with assistance in times of drought. Most states and territories had a combination of publicly and privately owned water companies. Steps were being taken to resolve the water quality issues identified in certain regions and drinking water was being delivered to affected communities.

50. The large number of Aboriginal and Torres Strait Islander women in detention was a particular cause for concern in certain territories. Under the Indigenous Advancement Strategy, the Government planned to invest more than $A 1 billion over four years in programmes and services targeting indigenous communities. Those programmes were serving to improve community safety and to address the factors driving the current trend by focusing on juvenile crime prevention. Indigenous women deprived of their liberty could now access an employment placement service prior to and following their release. Alcohol and drug treatment services, community mediation services and domestic violence prevention services were also being rolled out in indigenous communities.

51. **Ms. Gbedemah** asked how the "Connected Beginnings" programme would be funded if a recommendation was made to extend it at the conclusion of the ongoing impact assessment and whether the Safe Schools Coalition Australia programmes that had been discontinued would be replaced by similar anti-bullying programmes for lesbian, gay, bisexual, transgender, queer and intersex students. It was her understanding that, in certain states and territories, teenage girls who fell pregnant were still expelled as a matter of course. She asked whether the State party had considered reviewing the existing policy in the states and territories concerned. The State party might wish to refer to the Committee's general recommendation No. 36 (2017) on the right of girls and women to education in that connection. It would also be useful to know whether a gender impact assessment had been conducted either before or after the education budget had been cut and how students with disabilities were guaranteed access to inclusive education.

52. She asked whether the Australian Human Rights Commission's findings on the prevalence of sexual harassment had been duly disseminated and what sanctions were imposed on perpetrators. It would also be helpful to receive statistical data on the subjects studied by indigenous women and girls and to know whether the history of the First Nations was taught in schools in a way that empowered students belonging to those communities.

53. **Mr. Bergby** said it was regrettable that the State party had no plans to extend paid parental leave for women or their partners. He asked how the State party encouraged both men and women to take advantage of flexible working arrangements and part-time work. It was high time that the State party reviewed its superannuation policy, which continued to discriminate against a large number of women. The State party might also consider conducting a gender impact assessment of that policy. According to a 2014 survey, a large proportion of women in Australia had been discriminated against by their employer when pregnant or upon returning to work or on account of family responsibilities. Furthermore, one in five mothers had reportedly been made redundant owing to pregnancy and family responsibilities. He asked how the State party intended to remedy that situation.

54. **Ms. Haidar** said that she failed to understand how the State party could have approved income tax cuts amounting to $A 144 billion over 10 years and yet claim that it did not have sufficient resources to invest in essential services. The State party must reconcile the two issues if it wished to advance women's rights in its national territory. She asked how the State party planned to bridge the huge gender gap in retirement savings, which was a cause of homelessness among older women.

55. **Ms. Acosta Vargas** asked how many indigenous women were employed by the State party's law enforcement and judicial authorities and the extent to which indigenous language services were available in the justice system. She also wished to know whether the State party had considered amending its criminal legislation so that women who had committed only minor offences were not deprived of their liberty. The delegation might also indicate whether those prison guards who had committed acts of sexual violence against women in detention had been prosecuted and punished. It would also be useful to know whether the Bangkok Rules were applied in places of deprivation of liberty in Australia.

56. **Ms. Schulz** asked whether the State party had considered abolishing the practice of strip-searching indigenous women in detention and whether it intended to review the situation of women with mental disabilities in detention. Noting that homelessness among older women had increased by some 30 per cent since 2011, she asked what practical measures the State party envisaged taking to curb that trend and to provide older women with adequate housing and accommodation.

57. **Ms. Lannen** (Australia) said that the report of the impact assessment of the "Connected Beginnings" programme would inform the funding decisions to be taken during the next budget cycle.

58. **Ms. Stratford** (Australia) said that the "Bullying. No Way!" website and the Kids Helpline served as substitutes for discontinued Safe Schools Coalition Australia programmes. In addition, each state and territory had its own anti-bullying programmes, family and relationship support services and counselling services for young people. However, not all of those initiatives catered specifically to lesbian, gay, bisexual, transgender, queer and intersex students. Referrals could be made if necessary.

59. **Ms. Bergin** (Australia) said that it was generally accepted that teenage girls who fell pregnant should not be expelled. There was an expectation that schools would provide new mothers with the support necessary for them to resume their studies and to take care of their newborn children. The delegation was unable to respond to the question on whether the education cuts had been the subject of a gender impact assessment at that time. Although the delegation could not provide statistical data on the subjects studied by indigenous women and girls, it was her understanding that the majority chose to study subjects in fields that were traditionally female dominated.

60. It was hoped that the findings of the national inquiry into sexual harassment in Australian workplaces would assist the Government in finding practical ways to overcome the stigma often attached to reporting sexual harassment in the workplace and in identifying and amending labour legislation and workplace guidelines.

61. The fact that more women than men availed themselves of flexible working arrangements and engaged in part-time work had likely exacerbated the gender pay gap and retirement income gap. The Office for Women was searching for ways to effect cultural change and to encourage more men to become caregivers. There were, however, a number of companies that actively encouraged both men and women to take advantage of flexible working arrangements and that were willing to supplement women's retirement income.

62. States and territories were responsible for determining the legality of abortion and regulating access to abortion services. Unlawful abortion was prohibited in all states and territories without exception. The cost of having an abortion was covered by Medicare provided that a doctor determined the procedure to be appropriate. However, women living in more remote states and territories would likely have to travel to access abortion services.

63. **Ms. Stratford** (Australia) said that the Transitional National Partnership Agreement on Homelessness specifically targeted older persons, women and children affected by violence and indigenous women. The Commonwealth Federal Government was working with state and territorial governments to determine where available funding should be invested.

64. **Ms. Lannen** (Australia) said that, although the delegation was unable to provide statistical data on the number of indigenous women working for the Australian law enforcement authorities, in certain states and territories, Aboriginal and Torres Strait

Islander liaison officers facilitated contact and communication between law enforcement officers and local indigenous communities. More often than not, liaison officers communicated with members of those communities in their own language. Publications were also issued in indigenous languages in certain states and territories.

65. **Ms. Kidd** (Australia) said that students with disabilities could attend regular classes in mainstream schools with additional support, or special classes in mainstream schools or special schools. State and territorial education authorities could provide additional support to students with disabilities and their parents and carers if necessary. The Disability Standards for Education helped educators understand and comply with their obligations under the Disability Discrimination Act. As part of its school reform initiative, the Government planned to invest an additional $22 billion in education for students with disabilities between 2018 and 2027.

Articles 15 and 16

66. **Ms. Halperin-Kaddari** said that she had been struck by the considerable gap between Australian family law and practice and the apparent inability of women in general to assert their legal rights and to protect themselves and their children from violence. Perhaps the most pressing issue was the continued failure of the Family Court of Australia, which tended to favour shared parenting, to take account of risk factors such as the existence of domestic violence when granting joint custody. A further cause for concern was the advent of men's rights groups and their undue influence on family law and litigation. It was her understanding that the unproven theories and toxic ideologies propounded by such groups had gained traction in the Family Court of Australia and could influence child custody proceedings. As a result, women were routinely discouraged from raising concerns about the existence of domestic violence and child abuse in case they themselves were accused of committing such acts and ended up losing custody of their children. She asked whether the State party viewed the tendency for the Family Court of Australia to favour shared parenting by default as a concern and whether it envisaged reviewing that position or updating the risk factors that should be taken into account in determining child custody arrangements to include all forms of domestic violence. She also wished to know whether it had examined the impact of parental alienation syndrome and other forms of psychological manipulation used by men to turn children against their mother. Had the State party considered training law enforcement and judicial officers to detect the use of such tactics?

67. It was a fact that women who lacked the means to assert their property rights following a separation or divorce were often those who wound up homeless or destitute. In Australia, the lack of legal aid for women involved in divorce disputes effectively deprived them of legal protection. Many States had acknowledged that a man's refusal to grant his wife a religious divorce amounted to gender-based violence and abuse. Noting that the Family Law Council had, as early as 2001, published a report containing recommendations concerning religious divorce, she asked why the State party had failed to act on them. Lastly, the delegation might explain the decision to merge the Family Court and the Federal Circuit Court in 2019 before the Australian Law Reform Commission's report on the review of the family law system had even been published.

68. **Ms. Bergin** (Australia) said that, under Australian law, there was no presumption that one parent was better suited to exercise parental responsibility than the other. However, that presumption could change if the existence of domestic or family violence was established. The amendment of the definition of family violence to include different types of harmful behaviour had changed the way in which the parenting orders made by courts about parenting arrangements for a child were formulated. Similarly, the bill to improve the family law system's response to domestic or family violence would introduce measures to enhance the Family Court's ability to protect victims and to streamline legal processes. The bill would likely be discussed at the next sitting of Parliament.

69. The National Domestic and Family Violence Bench Book had been developed to train judicial officers handling cases involving those phenomena. A new training course on the nature and dynamics of family violence would be launched in the near future.

Regrettably, she was unable to comment on the upcoming merger of the Family Court and the Federal Circuit Court.

70. **Ms. Stratford** (Australia) said that the Family Law Act did not regulate religious divorces. A married couple who divorced under the Family Law Act would technically still be married under religious or cultural norms. To amend the Family Law Act to regulate the dissolution of religious marriages would change the nature of divorce and create unintended civil law consequences. It was an Australian legal tradition that civil and religious law were and should remain separate.

71. **Ms. Halperin-Kaddari**, noting that persons who wished to change their gender faced onerous legal barriers and were subject to stringent conditions, asked what steps the State party had taken or envisaged taking to guarantee the legal recognition of gender based on the principle of self-identification.

72. **Ms. Schulz** said it was regrettable that the delegation could not explain the reasons for the proposed merger of the Family Court and the Federal Circuit Court. She failed to understand why the decision could not have been made once the Law Reform Commission's report had been published.

73. **Ms. Bergin** (Australia) said that the Government was working to guarantee the legal recognition of gender based on the principle of self-identification across Australia. It had taken up the recommendations made by the Australian Human Rights Commission to the effect that all organizations must make provision for non-binary gender identities in data-collection forms.

74. She thanked the Committee for the fruitful dialogue, for the care with which it had examined all the information provided to it and for its valuable insights. Notwithstanding the challenges encountered, Australia would continue in its efforts to reduce gender inequality and to advance women's rights.

75. **The Chair** thanked the delegation for the constructive dialogue, which had given the Committee a greater insight into the situation of women in Australia.

The meeting rose at 5.20 p.m.